

Notice of Allowability

Application No.

10/711,417

Examiner

Minh-Chau T. Pham

Applicant(s)

SCULLY ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 7/10/07.
2. ☒ The allowed claim(s) is/are 1-3, 5, 10 and 11 (renumbered as 1-6 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

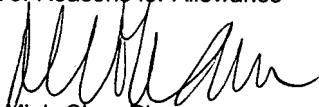
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Minh-Chau Pham
Patent Examiner
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Allowable Subject Matter

Claims 1-3, 5, 10 and 11 allowed.

The closest relevant art are Lida et al (2002/0174511 A1), Dufern et al (5,167,209), Reese (5,133,315) and Spicer et al (4,758,460).

Lida et al disclose a blower (100) comprising a carrying frame (2) provided with a base plate (3), a fan (10) comprising a fan housing mounted on the carrying frame (2), wherein the fan housing has an intake opening that faces the base plate and is spaced from the base plate and wherein the intake gap is formed between the base plate and the fan housing (see paragraph 0027), an internal combustion engine (9) driving the fan (10) in order to take in working air through the intake opening (13) and to blow out the working air through a blower tube (43), and a filter member (24) located in the intake gap (see paragraphs 0025-0032).

Lida et al in that the filter being a leaf shield made of foam material having a central air chamber adjoining the intake opening of the fan housing.

Dufern et al disclose a filter for a gas driven engine when operated in dirty environments having a foam material as a filter (41) having a central air chamber adjoining the intake opening of the fan housing (24) (see 41 in Fig. 1, col. 2, lines 35-41).

Reese discloses a filter for an air-cooled internal combustion engine used for lawn mowers, shredders or agricultural equipment, etc. (col. 3, lines 26-29) being a filter (54) made of foam material having a central air chamber adjoining the intake opening of the fan housing (see Fig. 9, col. 4, lines 22-33).

Spicer et al disclose an air filter for an internal combustion engine comprising a composite formed of first and second layers of reticulated foam plastics material (12, 13, 14, see Abstract) wherein the material of layer (11) has sufficiently large pores (i.e. is sufficiently coarse) (col. 4, lines 26-27) served to hold the particles trapped in the filter element (col. 50-52).


Claims 1-3, 5, 10 and 11 of this instant patent application differ from the disclosure of any one of Lida et al (2002/0174511 A1), Dufern et al (5,167,209), Reese (5,133,315) and Spicer et al (4,758,460) in that the leaf shield covering the intake gap prevents leaves and debris from entering the fan housing and is a monolithic foam material block that forms the protection device preventing accidental insertion of a hand into the intake gap, and at least one fastening element is arranged between the base plate and the fan housing for connecting the two parts and penetrates the foam material of the monolithic foam material block and secures by positive fit the monolithic foam material block between the base plate and the fan housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

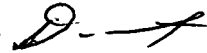
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
August 9, 2007

DUANE SMITH
PRIMARY EXAMINER



8-9-07